

REMARKS

Claims 8, 10, 11, and 14-24 are pending. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

Interview

An interview was held with Examiner Willmon Fridie on March 11, 2008. The rejections of independent Claims 8 and 17 were discussed. The Examiner agreed that U.S. Patent No. 4,181,050 by Stroobants et al. ("Stroobants") did not disclose each and every feature of Claims 8 and 17. Applicant would like to thank the Examiner for the courtesies extended.

Rejections under 35 U.S.C. §112

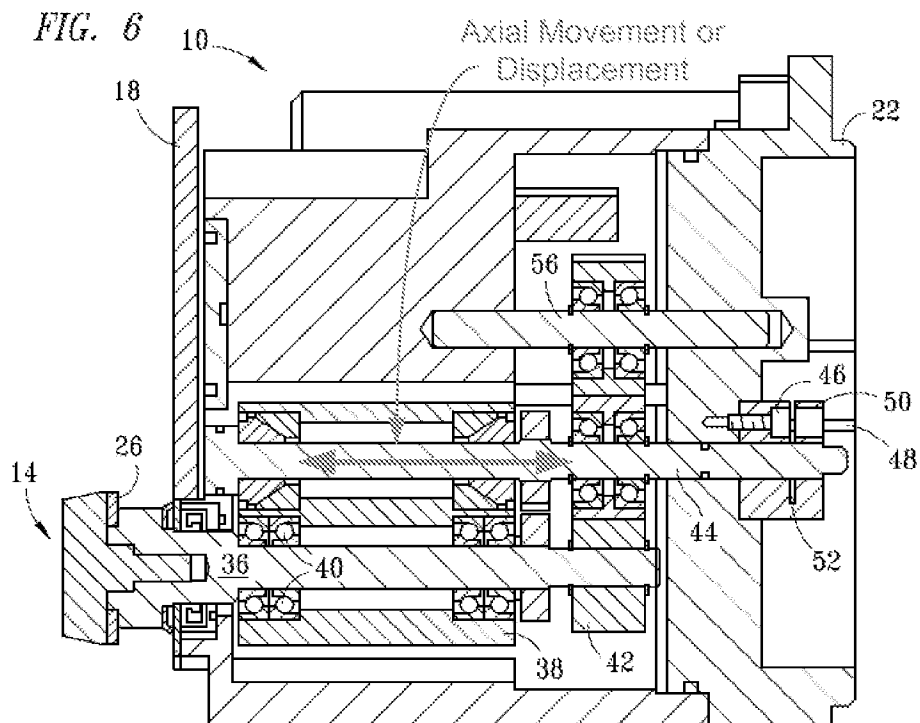
Claims 8, 10, 11, and 14-16 stand rejected under 35 U.S.C. §112, second paragraph, as assertedly failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Insofar as they may be applied to the Claims, these rejections have been overcome with the amendments made above.

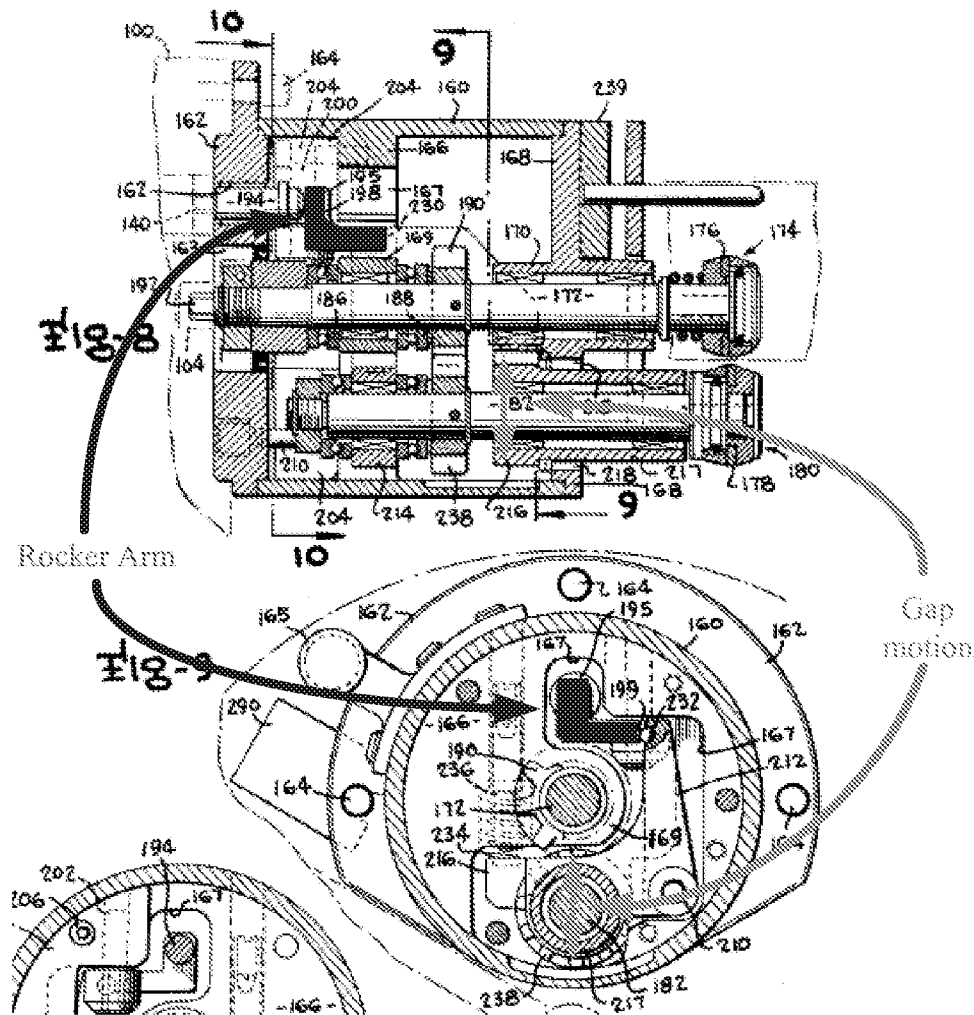
Rejections under 35 U.S.C. §§102 and 103

Claims 8, 10, 14, 15, 17, 18, 19, 23, 25, and 26 stand rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 4,181,050 by Stroobants et al. ("Stroobants"), and Claims 11, 16, and 20-22 stand rejected under 35 U.S.C. §103(a) in view of Stroobants. Insofar as they may be applied against the Claims, these rejections are respectfully traversed.

According to MPEP § 2131, in order for a reference to anticipate a claim, the reference must teach each and every feature of the claim. Stroobants does not teach each and every feature of

Claims 8 and 17. Specifically, Stroobants does not teach any type of adjustment mechanism, where the *axial motion or displacement* of a rotatable shaft provides an adjustment of the gap between the blades as claimed. To illustrate this point, Applicant has reproduced Figure 6 below indicating the “axial motion or displacement” of a rotatable shaft:





Specifically, in Col. 6, line 50, to Col. 7, line 20, Stroobants describes the rocker arm (198) closing the gap or pivoting (and not performing gap adjustment as suggested by the Examiner). The rocker arm (198), though, “swings” into position by rotating in a plane that is substantially parallel to the planes of the cutting blades, which is again detailed at Col. 6, ln. 50, to Col. 7, ln. 20:

The rockable cutter shaft support 212 includes first and second arm portions 214 and 216 with arm portion 216 having an extension 217. Arm portions 214, 216, 217 are provided with axially aligned bores in which bearing members are provided for supporting the second transversely shiftable cutter knife support 182 as best shown in FIG. 8. It should be observed at this point that the end wall 168 is provided with an opening 218 providing substantial clearance about the extension portion 217 of the second arm 216 as shown in FIG. 8 so as to

permit the extension portion 217 to having swinging movement about the axis of pivot shaft 210 in the opening 218 for effecting movement of the blade 178 into and out of contact with the blade 176.

The foregoing movement of blade 178 with respect to blade 176 is effected by the swinging movement of rocker arm 198 about the axis of its pivot pin 200 with the rocker arm 198 engaging a low friction steel ball 230 positioned in a mating detent 232 in the upper end of the rockable cutter shaft support 212. Surface 199 of the rocker arm 198 engages the opposite side of the steel ball 230 as best shown in FIG. 9. Rockable cutter shaft support 212 is spring urged in a counter-clockwise direction as viewed in FIG. 9 by a compression spring 234 engaging the upper surface of first arm portion 214 and mounted on an adjustable means 236 for varying the force with which the rockable cutter shaft support 212 is urged in a clockwise direction as viewed in FIG. 10 or a counter-clockwise direction as viewed in FIG. 9. Consequently, the action of spring 234 will serve to maintain the steel ball 230, detent opening 232 and surface 199 in forceful engagement so that the inward and outward movement of the pusher pin 194 will effect a reciprocating swinging movement of the pusher rockable cutter shaft support 212 about the axis of pivot pin means 210. The foregoing action will obviously result in swinging movement of the blade 178 into and out of contact with the blade 176.

Moreover, turning to the Examiner's recitation of Stroobants' disclosure, shaft 182 (illustrated above) is described as "swingable shaft 182." The Examiner's own recitation indicates and further underscores Applicant's point that Stroobants does not show gap adjustment through axial motion of a rotatable shaft (motion along the central axis of the shaft). Accordingly, Applicant respectfully requests that the rejections of Claims 8 and 17 under 35 U.S.C. §102(b) in view of Stroobants be withdrawn and that Claims 8 and 17 be allowed.

Moreover, with respect to the Examiner's statement regarding "analogous art," Applicant does not even understand why this statement was made. The rejections of Claims 8 and 17 have been made pursuant to §102, and the concept of analogous/non-analogous art statements applies to rejections under §103, not §102 (*see* MPEP §2141(a)).

Claims 10, 11, 14-16, and 18-23 depend on and further limit one of Claims 8 and 17. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for

allowance. Applicant respectfully requests that the rejections of dependent Claims 10, 11, 14-16, and 18-23 also be withdrawn.

Claim Objection

Claim 24 stands objected to but would be allowed if it were to incorporate the features of Claim 17 and any intervening claims. Applicant wishes to thank the Examiner.

Conclusion

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 8, 10, 11, and 14-24.

Applicant does not believe that any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account 50-2180 of Storm LLP.

Should the Examiner require any further clarification to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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